

Article - Health - General

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§21-804.

(a) To prevent deception in the sale of frozen desserts and to safeguard the health and welfare of consumers, the Secretary shall adopt rules and regulations that:

(1) Provide definitions and set standards of identity for frozen desserts and the mixes used in the manufacture of frozen desserts;

(2) Set packaging, labeling, and sanitary requirements for frozen desserts; and

(3) Govern any other condition that relates to the manufacture, processing, distribution, or sale of frozen desserts, whether manufactured or processed in a regular manufacturing plant, in a counter freezer, or otherwise.

(b) So far as practicable, the Secretary may conform any rule or regulation adopted under this subtitle to the rules and regulations adopted under the federal act.

(c) (1) The Secretary may not adopt a rule or regulation under this section unless the requirements of this subsection and the Administrative Procedure Act are met.

(2) A public hearing shall be held on any rule or regulation that the Secretary considers under this section. Based on the record of the hearing, the Secretary shall issue a proposed decision on the rule or regulation.

(3) The Secretary shall provide any interested party an opportunity to file exceptions to the proposed decision based on the hearing record.

(4) When issuing a final decision regarding a rule or regulation, the Secretary also shall:

(i) Rule on any exception to the Secretary's proposed decision; and

(ii) State the reasons for the ruling.

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